

## DEPARTMENT OF HEALTH

**NOTICE OF PROPOSED RULEMAKING**

The Director of the Department of Health, pursuant to the authority set forth in section 7 of the AIDS Health-Care Response Act of 1986, effective June 10, 1986 (D.C. Law 6-121; D.C. Official Code § 7-1606), 42 U.S.C.S. § 300ff-22, and Mayor's Order 2000-55, dated April 12, 2000, hereby gives notice of his intent to adopt the following amendments to Chapter 20 of Title 29 of the District of Columbia Municipal Regulations in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

These rules will make technical corrections and expand the authority of the HIV/AIDS Drug Advisory Committee to include all therapeutics, including anti-psychotic drugs, in the formulary for the AIDS Drug Assistance Program.

**Chapter 20 of Title 29 (Public Welfare) (May 1987) of the District of Columbia Municipal Regulations is amended as follows:**

**The heading for Chapter 20 is amended to read as follows:**

**Chapter 20 FINANCIAL ASSISTANCE FOR THERAPEUTIC DRUG  
TREATMENT FOR PERSONS WITH AIDS OR RELATED  
ILLNESSES**

**Section 2000.1 is amended to read as follows:**

- 2000.1 These rules govern the operation of the District of Columbia's AIDS Drug Assistance Program (ADAP), which assists low-income individuals diagnosed with having Human Immunodeficiency Virus (HIV) or Acquired Immunodeficiency Syndrome (AIDS), and related illnesses, in purchasing certain therapeutic drugs, including anti-psychotic drugs, approved by the U.S. Food and Drug Administration that prolong the life of a person with these conditions or treat related illnesses when prescribed by a physician.

**Section 2001.1 is amended to read as follows:**

- 2001.1 Information about applicants and recipients of assistance under this program shall be kept confidential. The information shall be used solely for the purpose of administering the program and shall not be disclosed without the prior written consent of the person to whom the information pertains, except to Department personnel who have a need to know for administrative purposes. The information shall be safeguarded according to the procedures used by the District of Columbia Medicaid Program and the criteria set forth in 42 CFR § 431.300 *et seq.*

**Section 2002.2 is amended to read as follows:**

- 2002.2        An applicant shall submit an application for assistance for eligibility determination to the ADAP, Administration for HIV Policy and Programs of the Department of Health.

**Section 2003.4 is amended to read as follows:**

- 2002.4        An applicant shall provide written consent for his or her physician to disclose the information required by § 2002.3 to the Department. The written consent shall also state that the information shall be used only for the purpose of administering this financial assistance program and shall not be disclosed to persons other than Department personnel who have a need to know for administrative purposes, unless the person to whom the information pertains gives his or her written consent.

**Section 2005.5 is amended to read as follows:**

- 2005.5        The Administration for HIV Policy and Programs shall seek reimbursement from the patient's insurance carrier or other third-party sources providing reimbursement of any amount chargeable to the carrier or third-party payor.

**Section 2099.1 is amended by adding or amending the following terms to read as follows:**

**Department**—the District of Columbia Department of Health.

**Eligible drug**—Retrovir (AZT), alpha interferon, aerosolized pentamidine, or another drug that is approved by the U.S. Food and Drug Administration for therapeutic treatment of persons with HIV/AIDS or related illnesses and that is certified for inclusion in this program in a notice published in the *D.C. Register*.

Persons desiring to comment on these proposed rules should submit comments in writing to the Department of Health, Office of the General Counsel, 825 North Capitol Street, N.E., 4<sup>th</sup> Floor, Washington, D.C. 20002, no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Copies of these proposed rules and related information may be obtained between 8:30 A.M. and 5:00 P.M. Monday through Friday, excluding holidays, at the address stated above.